

# United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

JANET KAGARICE,

Plaintiff,

v.

UNIVERSITY OF NORTH TEXAS, NEAL  
SMATRESK, and JAMES C. SCOTT,

Defendants.

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**CIVIL ACTION NO. 4:17-CV-509**  
**JUDGE MAZZANT/JUDGE JOHNSON**

## **MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On February 9, 2018, the report of the Magistrate Judge (Dkt. #25) was entered containing proposed findings of fact and recommendations that Defendants' Amended Motion to Dismiss (Dkt. #17) should be **GRANTED IN PART and DENIED IN PART**.

On February 15, 2018, Defendants filed objections to the Report (*see* Dkt. #26); Plaintiff filed a response to those objections (*see* Dkt. #27). The Court has made a *de novo* review of the objections and is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections are without merit as to the ultimate findings of the Magistrate Judge. The Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. Therefore, Defendants' Amended Motion to Dismiss (Dkt. #17) is **GRANTED IN PART and DENIED IN PART**.

Accordingly, it is hereby **ORDERED, ADJUDGED, AND DECREED** that Defendant University of North Texas is **DISMISSED** from this action.

The Clerk is directed to remove Defendant University of North Texas from this civil action.

**IT IS FURTHER ORDERED** that Plaintiff's First Amended Complaint (Dkt. #28) is deemed filed and the live pleading in this action.

**SIGNED this 4th day of March, 2018.**

A handwritten signature in black ink, reading "Amos Mazzant", written over a horizontal line.

AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE